1995 no. 73

AFKONDIGINGSBLAD
VAN
ARUBA

MINISTERIELE REGELING van 2 oktober 1995 nr. 1 ter uitvoering van de artikelen 8, 10 en 20 van de Luchtvaartverordening (AB 1989 no. GT 58) (Regeling brevettering en vluchtuitvoering).

Uitgegeven, 2 oktober 1995

De minister van Justitie,

E.J. Vos

De minister van VERVOER EN COMMUNICATIE a.i.,

In overweging genomen hebbende:

dat het op 7 december 1944 te Chicago tot stand gekomen Verdrag inzake de internationale burgerluchtvaart (Stb. H 165) in de annexen 1, 6, deel I en III, eisen stelt ten aanzien van de algemene veiligheid in de lucht en op de grond, omtrent de brevettering van personeel in de operationele sector en omtrent de uitvoering van commerciële vluchten;

Gelet op:

de artikelen 8, 10 en 20 van de Luchtvaartverordening (AB 1989 no. GT 58);

HEEFT BESLOTEN:

Artikel 1

1. In deze regeling wordt verstaan onder:

de Directeur	:	de directeur van de Directie Luchtvaart;
JAR	:	de door de Verenigde Europese luchtvaartautoriteiten uitgegeven verzameling voorschriften op luchtvaartgebied;
commerciële vlucht	:	een vlucht die vervoer van personen, goederen of post ten doel heeft door een persoon of rechtspersoon, die daartoe krachtens vergunning gerechtigd is;
vleugelvliegtuig	:	een luchtvaartuig dat dynamisch in de lucht kan worden gehouden, voornamelijk ten gevolge van de reactiekrachten op vlakken die bij eenzelfde vliegtoestand niet van stand behoeven te veranderen;
hefschroefvliegtuig	:	een luchtvaartuig, zwaarder dan lucht en voorzien van een voortstuwingsinrichting, dat dynamisch in de lucht kan worden gehouden, voornamelijk ten gevolge van reactiekrachten op ronddraaiende vlakken.

2. De begripsbepalingen van JAR–1 zijn van toepassing, met inachtneming van de voor Aruba in bijlage A daarop gegeven aanvullingen.

Artikel 2

1. De voorschriften, betrekking hebbende op de uitvoering van commerciële vluchten met vleugelvliegtuigen zijn opgenomen in JAR-OPS1 en JAR-AWO. Zij zijn van kracht met inachtneming van de voor Aruba in bijlage B daarop gegeven aanvullingen.

2. De voorschriften, betrekking hebbende op de uitvoering van commerciële vluchten met hefschroefvliegtuigen, zijn opgenomen in JAR-OPS3. Zij zijn van kracht met inachtneming van de voor Aruba in bijlage C daarop gegeven aanvullingen.

Artikel 3

De voorwaarden:

a. voor brevettering van luchtvarenden voor vleugelvliegtuigen,
b. voor brevettering van luchtvarenden voor hefschroefvliegtuigen,
c. voor brevettering van vluchtuitvoerders,
d. met betrekking tot de medische geschiktheid van de luchtvarenden, bedoeld in de onderdelen a en b,
e. ter zake van algemene luchtvaartvoorschriften voor luchtvarenden,
f. ter zake van de uitvoering van algemene vluchten met vleugelvliegtuigen worden door de Directeur vastgesteld.

Artikel 4

De in artikel 3 bedoelde voorwaarden liggen voor een ieder kosteloos ter inzage bij de Directie Luchtvaart. Tegen betaling van een bedrag per pagina, waarvan de hoogte is bepaald in artikel 1, onderdeel c, ten 2°, van het Algemeen retributie- en legesbesluit (AB 1990 no. 55), kunnen afschriften van deze voorwaarden worden verkregen.

Artikel 5

Indien de houder van een vergunning tot het uitvoeren van commerciële vluchten personeel in dienst heeft, legt hij de door de Directeur krachtens artikel 3 gestelde voorwaarden, voor zover zij betrekking hebben op de door haar geëxploiteerde luchtvaartuigen, voor dat personeel ter inzage.

Artikel 6

Luchtvaartbedrijven met ten hoogste twintig personeelsleden in vaste dienst kunnen de minister van Vervoer en Communicatie verzoeken de artikelen 1, tweede lid, 2 en 6, voor zover dit artikel betrekking heeft op de voorwaarden voor de brevettering van vluchtuitvoerders, eerst met ingang van 1 januari 1996 op hen van toepassing te doen zijn.

Artikel 7

1. Deze regeling treedt in werking op de dag na die van haar plaatsing in het Afkondigingsblad van Aruba.

2. Zij kan worden aangehaald als Regeling brevettering en vluchtuitvoering.

L.G. Beke-Martinez

BIJLAGE

BIJLAGE A

BEGRIPSBEPALINGEN IN

AANVULLING OP JAR-1

Small operators	: operators with their largest aircraft capacity not exceeding 20 seats and their largest aircraft maximum Take-Off Mass being less than 10 tonnes;
Very small scale of operation	: operation conducted by operators who employ 5 or less full time staff;
Small scale of operation	: operations conducted by operators who employ 6 up to and including 20 full time staff;
The Director	: the Director of the Aruban Department of Civil Aviation;
DCA	: the Department of Civil Aviation of Aruba.

BIJLAGE B

AANVULLINGEN JAR-OPS1

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AUA - OPS 1.001 Applicability
(See Appendix 1 to JAR-OPS 1.001)

(a) For Aruba, JAR - OPS Part 1 prescribes requirements applicable to the operation of any civil airplane for the purpose of commercial air transportation by any operator whose principal place of business is in a JAA Member State or Aruba. JAR-OPS 1 does not apply to airplanes when used in military, customs and police services.

(b) The requirements in JAR-OPS Part 1 are applicable in Aruba as of the day after the day of publication of the Ministerial Decree for licensing and operation (Regeling brevettering en vluchtuitvoering) in the official gazette of Aruba (Afkondigingsblad van Aruba) to all operators except, on request, those operating on a small or a very small scale of operation.

(c) The requirements in JAR-OPS Part 1 are applicable to all operators in Aruba as of 1 January 1996.

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Appendix 1 to AUA-OPS 1.001
Late compliance dates contained in JAR-OPS 1

Some of the provisions included in JAR-OPS 1 have dates of compliance which are later than the applicability date of JAR-OPS 1. The provisions where this is the case, and the associated later dates of compliance, are as follows:

JAR-OPS	1.470 (f)	1 April 2000
JAR-OPS	1.665 (a)(2)	1 April 1999
JAR-OPS	1.665 (a)(3)	1 April 2001
JAR-OPS	1.665 (a)(4)	1 April 2002
JAR-OPS	1.780 (a)	1 April 2000
JAR-OPS	1.805 (a)(2)	1 April 2000
JAR-OPS	1.805 (c)(2)	1 April 2000

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AUA - OPS 1.165 Leasing

(a) Terminology

Terms used in this paragraph have the following meaning:

(1) Dry lease - Is when the airplane is operated under the AOC of the lessee;
(2) Wet lease - Is when the airplane is operated under the AOC of the lessor;
(3) JAA operator - An operator certificated under JAR - OPS Part 1 by one of the JAA Member States;

(b) Leasing of aeroplanes between Aruban and JAA operators

(1) Wet lease-out

An Aruban or JAA operator providing an airplane and complete crew to another Aruban or JAA operator, and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the airplane.

(2) All leases except wet lease-out

(i) Except as provided by sub-paragraph (b)(1) above, an Aruban or JAA operator utilizing an airplane from, or providing it to, another Aruban or JAA operator, must obtain prior approval for the operation from his respective Authority. Any conditions which are part of this approval must be included in the lease agreement.

(ii) Those elements of lease agreements which are approved by the Authority, other than lease agreements in which an airplane and complete crew are involved and no transfer of functions and responsibilities is intended, are all to be regarded, with respect to the leased airplane, as variations of the AOC under which the flights will be operated.

(c) Leasing of airplanes between an Aruban or JAA operator and any entity other than an Aruban or JAA operator

(1) Dry lease-in

(i) An Aruban or JAA operator shall not dry lease-in a airplane from an entity other than an Aruban or JAA operator, unless approved by the Authority. Any conditions which are part of this approval must be included in the lease agreement.

(ii) An Aruban or JAA operator shall ensure that, with regard to airplanes that are dry leased-in, any differences from the requirements prescribed in Subparts K, L, and/or JAR - 26, are notified to and are acceptable to the Authority.

(2) Wet lease-in

(i) An Aruban or JAA operator shall not wet lease-in an airplane for more than 3 consecutive months in any 12 consecutive months from an entity other than an Aruban or JAA operator without the approval of the Authority.

(ii) A JAA or an Aruban operator shall ensure that, with regard to airplanes that are wet leased-in:

(A) The safety standards of the lessor with respect to maintenance and operation are equivalent to JARs;

(B) The lessor is an operator holding an AOC issued by a State which is a signatory to the Chicago Convention;

(C) The aeroplane has a standard Certificate of Airworthiness issued in accordance with ICAO Annex 8. Standard Certificates of Airworthiness issued by a JAA Member State or a State with equivalent standard, acceptable to the authority, other than the State responsible for issuing the AOC, will be accepted when issued in accordance with JAR – 21 or equivalent; and

(D) Any Aruban requirement made applicable by the lessee's Authority is complied with.

(3) Dry lease-out

(i) An Aruban operator may dry lease-out an airplane for the purpose of commercial air transportation to any operator of a State which is signatory to the Chicago Convention, provided that the following conditions are met:

(A) The Authority has exempted the Aruban operator from the relevant provisions of JAR – OPS Part 1 and, after the foreign regulatory authority has accepted responsibility in writing for surveillance of the maintenance and operation of the airplane(s), has removed the airplane from its AOC; and

(B) The airplane is maintained according to an approved maintenance program.

(4) Wet lease-out An Aruban operator providing an airplane and complete crew to another entity and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the aeroplane.

(d) Leasing of airplanes at short notice In circumstances where an Aruban operator is faced with an immediate, urgent and unforeseen need for a replacement airplane, the approval required by sub–paragraph (c)(2)(i) above may be deemed to have been given provided that:

(1) The lessor is an operator holding an AOC issued by a State which is a signatory to the Chicago Convention;

(2) The lease-in period does not exceed 14 consecutive days; and
(3) The Authority is immediately notified of the use of this provision.

Page 1-C-1

AUA-OPS 1.180 Issue, variation and continued validity of an AOC

(a) An operator will not be granted an AOC or a variation to an AOC, and that AOC will not remain valid unless:
    (1) Airplanes operated have a standard Certificate of Airworthiness issued in accordance with the Aruba Airworthiness Code;
    (2) The maintenance system has been approved by the Authority in accordance with Subpart M; and
    (3) He has satisfied the Authority that he has the ability to:
        (iv) Establish and maintain an adequate organization;
        (v) Establish and maintain a quality system in accordance with JAR-OPS 1.035;
        (vi) Comply with the required training programs;
        (vii) Comply with the maintenance requirements, consistent with the nature and extent of the operations specified, including the relevant items described in JAR-OPS 1.175 (g) to (o); and
        (viii) Comply with JAR-OPS 1.175.
(b) Notwithstanding the provisions of JAR-OPS 1.185(f), the operator must notify the Authority as soon as practicable of any changes to the information submitted in accordance with subparagraph (a) above.
(c) If the Authority is not satisfied that the requirements of subparagraph (a) above have been met, the Authority may require the conduct of one or more demonstration flights, operated as if they were commercial air transport flights.

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AUA-OPS 1.470 Applicability

(a) An operator shall ensure that multi-engine airplanes powered by turbopropeller engines with a maximum approved passenger seating configuration of more than 9 or a maximum take-off mass exceeding 5700 kg, and all multi-engine turbojet airplanes are operated in accordance with subpart G (Performance Class A).

(b) An operator shall ensure that propeller driven airplanes with a maximum approved passenger seating configuration of 9 or less, and a maximum take-off mass of 5700kg or less are operated in accordance with Subpart H (Performance Class B).

(c) An operator shall ensure that airplanes powered by reciprocating engines with a maximum approved passenger seating configuration of more than 9 or a maximum take-off mass exceeding 5700 kg are operated in accordance with Subpart I (Performance Class C).

(d) Where full compliance with the requirements of the appropriate Subpart cannot be shown due to specific design characteristics (e.g. supersonic airplanes or seaplanes), the operator shall apply approved performance standards that ensure a level of safety equivalent to that of the appropriate Subpart.

Page 1-J-2

AUA-OPS 1.620 subpart (f)

(f) Mass values for baggage

(1) Where the total number of passengers seats available on the airplane is 20 or more the standard mass values given in Table 3 are applicable for each piece of checked baggage. For airplanes with 19 passenger seats or less, the actual mass of checked baggage, determined by weighing,

must be used.

(2) For the purpose of Table 3:

(iii) Domestic flights means flights with origin and destination within the borders of one State;

(iv) Flights within the Caribbean Region means flights, other than Domestic flights, whose origin and destination are within the area specified in Aruba Appendix 1 to JAR-OPS 1.620(f); and

(v) Intercontinental flights, other than flights within the Caribbean region, means flights with origin and destination in different continents.

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AUA- Appendix 1 to JAR-OPS 1.620(f)
Definition of the area for flights within the Caribbean region

For the purpose of JAR-OPS 1.620(f), flights within the Caribbean region, other than domestic flights, are flights conducted within the area, bounded by rhumb-lines between the following points

N3000	W07500
N3000	W08500
N0800	W08500
N0400	W08000
N0400	W05900
N0200	W05900

as depicted in Figure 1 below:



Page 1-N-1

AUA – OPS 1.652IFR or night operations – Flight and navigational instruments and associated equipment

(See AMC OPS 1.650/1.652)

(See 9IEM OPS 1.650/1.652)

An operator shall not operate an airplane in accordance with Instrument Flight Rules (IFR) or by night in accordance with Visual Flight Rules (VFR), unless it is equipped with the flight and navigational instruments and associated equipment and, where applicable, under the conditions stated in the following sub-paragraphs:

(a) A magnetic compass;

(b) An accurate time-piece showing the time in hours, minutes and seconds;

(c) Two sensitive pressure altimeters calibrated in feet with sub-scale settings, calibrated in hectopascals/millibars, adjustable for any barometric pressure likely to be set during flight;

(d) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing including a warning indication of pitot heater failure (see AMC OPS 1.652(d) & (k)(2));

(e) A vertical speed indicator;

(f) A turn and slip indicator;

(g) An attitude indicator;

(h) A stabilized direction indicator;

(i) A means of indicating in the flight crew compartment the outside air temperature calibrated in degrees Celsius (see AMC OPS 1.650 (i) & 1.652(i)); and

(j) Two independent static pressure systems, except that for propeller driven airplanes with maximum certificated take-off mass of 5700 kg or less, one static pressure system and one alternate source of static pressure is allowed;

(k) Whenever two pilots are required the second pilot's station shall have separate instruments as follows:

(1) A sensitive pressure altimeter calibrated in feet with a sub-scale setting, calibrated in hectopascals/millibars, adjustable for any barometric pressure likely to be set during flight, and which may be one of the 2 altimeters required by sub-paragraph (c) above;

(2) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing including a warning indication of pitot heater failure. The pitot heater failure warning indication requirement does not apply to those airplanes with a maximum approved passenger seating configuration of 9 or less or a maximum certificated take-off mass of 5700 kg or less and issued with an individual Certificate of Airworthiness prior to 1 April 1998 (see AMC OPS 1.652(d) & (k)(2));

<u>Note: Applicability Date 1 April 1999 (for the pitot heater failure warning indication)</u>

(3) A vertical speed indicator;

(4) A turn and slip indicator;

(5) An attitude indicator; and

(6) A stabilized direction indicator;

(l) Those airplanes with a maximum certificated take-off mass in excess of 5700 kg or having a maximum approved passenger seating configuration of more than 9 seats must additionally be equipped with a single standby attitude indicator (artificial horizon), capable of being used from either pilot's station, that:

(1) Is powered continuously during normal operation and, after a total failure of the normal electrical generating system, is powered from a source independent of the normal electrical generating system;

(2) Provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;

(3) Operates independently of any other attitude indicating system;

(4) Is operative automatically after total failure of the normal electrical generating system; and

(5) Is appropriately illuminated during all phases of operation, except for airplanes with a maximum certificated take-off mass of 5700 kg or less, already registered in a JAA Member State on 1 April 1995, equipped with a standby attitude indicator in the pilot-in-command's instrument panel;

(m) In complying with sub-paragraph (l) above, it must be clearly evident to the flight crew when the standby attitude indicator, required by that sub-paragraph, is being operated by emergency power; where the standby attitude indicator has its own dedicated power supply there shall be an associated indication, either on the instrument or on the instrument panel, when this supply is in use;

(n) A chart holder in an easily readable position which can be illuminated for night operations;

(o) If the standby attitude instrument system is installed and usable through flight attitudes of 360° of pitch and roll, the turn and slip indicators may be replaced by slip indicators. usable means that the system will operate through 360° in pitch and roll and will not tumble;

(p) Whenever duplicate instruments are required, the requirement embraces separate displays for each pilot and separate selectors or other associated equipment where appropriate;

(q) All airplanes must be equipped with means for indicating when power is not adequately supplied to the required flight instruments; and

(r) All airplanes with compressibility limitations, not otherwise indicated by the required airspeed indicators, shall be equipped with a Mach number indicator at each pilot's station.

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AUA - OPS 1.660 Altitude alerting system

An operator shall not operate a turbine propeller powered airplane with a maximum certificated take-off mass in excess of 5700 kg or having a maximum approved passenger seating configuration of more than 9 seats or a turbojet powered airplane, unless it is equipped with an altitude alerting system capable of:
Alerting the flight crew upon approaching pre-selected altitude in either ascent or descent; and
Alerting the flight crew by at least an aural signal, when deviating above or below a pre-selected altitude.

Page 1-K-4

AUA - OPS 1.670 Airborne weather radar equipment

(a) An operator shall not operate:
 (8) A pressurized airplane; or
 (9) An unpressurized airplane which has a maximum certificated take-off mass of more than 5700 kg; or

(10) An unpressurised airplane having a maximum approved passenger seating configuration of more than 9 seats, unless it is equipped with airborne weather radar equipment whenever such an airplane is being operated at night or in instrument meteorological conditions in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radar, may be expected to exist along the route.

(b) For propeller driven pressurized airplanes having a maximum certificated take-off mass not exceeding 5700 kg with a maximum approved passenger seating configuration not exceeding 9 seats the airborne weather radar equipment may be replaced by other equipment capable of detecting thunderstorms and other potentially hazardous weather conditions, regarded as detectable with airborne weather radar equipment, subject to approval by the Authority.

Page 1-K-5

AUA - OPS 1.685 Flight crew interphone system

An operator shall not operate an airplane on which a flight crew of more than one is required, unless it is equipped with a flight crew interphone system, including headsets and microphones, not of a handheld type, for use by all members of the flight crew members.

Page 1-K-5

AUA - OPS 1.690 Crew member interphone system

(a) An operator shall not operate an airplane with a maximum certificated take-off mass exceeding 15.000 kg or having a maximum approved passenger seating configuration of more than 19 unless it is equipped with a crew member interphone system.
(b) The crew member interphone system required by this paragraph must:

(1) Operate independently of the public address system except for handsets, headsets, microphones, selector switches and signaling devices;

(2) Provide a means of two-way communication between the flight crew compartment and:

(i) Each passenger compartment;

(ii) Each galley located elsewhere than on a passenger deck level; and

(iii) Each remote crew compartment that is not on the passenger deck and is not easily accessible from a passenger compartment;

(3) Be readily accessible for use from each of the required flight crew stations in the flight crew compartment;

(4) Be readily accessible for use at required cabin crew member stations close to each separate or pair of floor level emergency exits;

(5) Have an alerting system incorporating aural or visual signals for use by flight crew members to alert the cabin crew and for use by cabin crew members to alert the flight crew;

(6) Have a means for the recipient of a call to determine whether it is a normal call or an emergency call (see AMC OPS 1.690(b)(6)); and

(7) Provide on the ground a means of two-way communication between ground personnel and at least two flight crew members.

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AUA - OPS 1.705 Cockpit voice recorders - 2
(See IEM OPS 1.705/1.710)

(a) An operator shall not operate any multi-engine turbine airplane first issued with an individual certificate of Airworthiness, either in a JAA Member State or elsewhere on or after 1 January 1990 up to and including 31 March 1998 which has a maximum certificated take-off mass of 5700 kg or less and a maximum approved passenger seating configuration of more than 9, unless it is equipped with

a cockpit voice recorder which records:

(11) Voice communications, transmitted from or received on the flight deck by radio;

(12) The aural environment of the flight deck, including where practicable, without interruption, the audio signals received from each boom and mask microphone in use;

(13) Voice communications of flight crew members on the flight deck using the airplane's interphone system;

(14) Voice or audio signals identifying navigation or approach aids introduced into a headset or speaker; and

(15) Voice communications of flight crew members on the flight deck using the public address system, if installed.

(b) The cockpit voice recorder shall be capable of retaining information recorded during at least the last 30 minutes of its operation.

(c) The cockpit voice recorder must start to record prior to the airplane moving under its own power and continue to record until the termination of the flight when the airplane is no longer capable of moving under its own power. In addition, depending on the availability of electrical power, the cockpit voice recorder must start to record as early as possible during the cockpit checks, prior to the flight until the cockpit checks immediately following engine shutdown at the end of the flight.

(d) The cockpit voice recorder must have a device to assist in locating that recorder in water.

(e) An airplane may be dispatched with the cockpit voice recorder required by this section inoperative provided that:

(16) It is not reasonably practicable to repair or replace the cockpit voice recorder before the commencement of the flight;

(17) The airplane does not exceed 8 further consecutive flights with the cockpit voice recorder unserviceable;

(18) Not more than 72 hours have elapsed since the cockpit voice recorder was found to be unserviceable; and

(19) Any flight data recorder required to be carried is operative unless it is combined with a cockpit voice recorder.

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AUA - OPS 1.725 Flight data recorders - 3
(See IEM OPS 1.720/1.725)

(a) An operator shall not operate any turbine-engine airplane to which JAR - OPS 1.715 or JAR - OPS 1.720 is not applicable and which has a maximum certificated take-off mass over 5700 kg, unless it is equipped with a flight data recorder that uses a digital method of recording and storing data and a method of readily retrieving that data from the storage medium is available.

(b) The flight data recorder shall be capable of retaining the data recorded during at least the last 25 hours of its operation.

(c) The flight data recorder must, with reference to a timescale, record:

1) For airplanes first issued with an individual Certificate of Airworthiness, either in a JAA Member State or elsewhere before 1 January 1987:

(i) The parameters necessary to determine altitude, airspeed, heading and normal acceleration; and

(ii) For those airplanes with a maximum certificated take-off mass of over 27.000 kg that are of a type first type certificated in a JAA Member State or elsewhere after 30 September 1969, the additional parameters necessary to determine:

(A) Radio transmission keying unless an alternative means is provided to enable the recordings of the flight data recorder and the cockpit voice recorder to be synchronized;

(B) The attitude of the airplane in achieving its flight path; and

(C) The basic forces acting upon the airplane resulting in the achieved flight path and the origin of such forces;

2) For airplanes first issued with an individual certificate of Airworthiness either in a JAA Member State or elsewhere on or after 1 January 1987 but before 1 January 1989:

(i) The parameters necessary to determine altitude, airspeed, heading and normal acceleration; and

(ii) For those airplanes with a maximum certificated take-off mass of over 27.000 kg that are of a type first type certificated in a JAA Member State or elsewhere after 30 September 1969, the additional parameters necessary to determine:

(A) Radio transmission keying unless an alternative means is provided to enable the recordings of the flight data recorder and the cockpit voice recorder to be synchronized; and

(B) Pitch and roll attitude, thrust or power on each engine, configuration of lift and drag devices, air temperature, use of automatic flight control systems position, of primary flight controls and pitch trim, radio altitude and primary navigation information displayed to the flight crew, cockpit warnings and landing gear position. (See AMC OPS 1.720(c)/1.725(c).)

(d) Data must be obtained from aircraft sources which enable accurate correlation with information displayed to the flight crew.

(e) The flight data recorder must start to record the data prior to the airplane being capable of moving under its own power and must stop after the airplane is incapable of moving under its own power.

(f) The flight data recorder must have a device to assist in locating that recorder in water.

(g) Any airplane may be dispatched with the flight data recorder required by this section inoperative provided that:

(20) It is not reasonably practicable to repair or replace the flight data recorder before the commencement of the flight;

(21) The airplane does not exceed 8 further consecutive flights with the flight data recorder unserviceable;

(22) Not more than 72 hours have elapsed since the flight data recorder was found to be unserviceable; and

(23) Any cockpit voice recorder required to be carried is operative, unless it is combined with the flight data recorder.

Page 1-K-10

AUA-OPS 1.940 Composition of flight Crew

(See Appendix 1 to AUA-OPS 1.940 and Appendix 2 to AUA-OPS 1.940)

(a) An operator shall ensure that:

(24) The composition of the flight crew and the number of flight crew members at designated crew stations are both in compliance with, and no less than the minimum specified in the Airplane Flight Manual;

(25) The flight crew includes additional flight crew members when required by type of operation, and is not reduced below the number specified in the Operations Manual;

(26) All flight crew members hold an applicable and valid license acceptable to the Authority and are suitably qualified and competent to conduct the duties assigned to them;

(27) Procedures are established acceptable to the Authority, to prevent the crewing together of inexperienced flight crew members;

(28) One pilot amongst the flight crew is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot; and

(29) When a dedicated System Panel Operator is required by the AFM, the flight crew includes one member who holds a Flight Engineer's license or is a suitably qualified flight crew member and acceptable to the Authority.

(b) Minimum flight crew for operations under IFR or at night. For operations under IFR or at night, an operator shall ensure that:

(30) For all turbo-propeller airplanes with a maximum approved passenger seating configuration of more than 9 and for all turbo-jet airplanes, the minimum flight crew is 2 pilots; or

(31) Airplanes other than those covered by sub-paragraph (b)(1) above are operated by a single pilot provided that the requirements of Appendix 2 to AUA-OPS 1.940 are satisfied. If the requirements of Appendix 2 are not satisfied, the minimum flight crew is 2 pilots.

Appendix 1 to AUA-OPS 1.940
In-flight relief of flight crew members

(a) A flight crew member may be relieved in flight of his duties at the controls by another suitably qualified flight crew member.

(b) Relief of the Commander

(1) The commander may be relieved by:
(xxxii) Another pilot qualified as commander; or
(xxxiii) A pilot-in-command (PIC) qualified as detailed in sub-paragraph (c) below

(c) Minimum requirements for PIC relieving the commander

(34) Valid Airline Transport Pilot License;
(35) Conversion training and checking (including Type Rating training) as prescribed in JAR-OPS 1.945;
(36) All recurrent training and checking as prescribed in JAR-OPS 1.965;
(37) Recent experience as prescribed in JAR-OPS 1.970;
(38) PIC route competence qualification as prescribed in JAR-OPS 1.975; and
(39) To operate in the role of PIC in the cruise only and not below FL 200.

(d) Relief of the co-pilot

(1) The co-pilot may be relieved by:
(xl) Another suitably qualified pilot; or

(xli) A cruise relief co-pilot qualified as detailed in sub-paragraph (e) below.

(e) Minimum requirements for Cruise Relief Co-Pilot

(42) Valid Commercial Pilot License with Instrument Rating;

(43) Conversion training and checking, including Type Rating training, as prescribed in JAR-OPS 1.945 except the requirements for take-off and landing training;

(44) All recurrent training and checking as prescribed in JAR-OPS 1.965 except the requirements for take-off and landing training;

(45) To operate in the role of co-pilot only and not below FL 200; and

(46) Recent experience as prescribed in JAR-OPS 1.970 is not required; the pilot shall, however, carry out flight simulator recurrence and refresher skill training at intervals not exceeding 90 days. This refresher training may be combined with the training described in JAR-OPS 1.965.

(f) Relief of system panel operator:

A system panel operator may be relieved in flight by a crew member who holds a Flight Engineer's license, or by a suitably qualified flight crew member, acceptable to the Authority.

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Appendix 2 to AUA-OPS 1.940
Single pilot operations under IFR or at night

(a) Airplanes referred to in AUA-OPS 1.940(b)(2) may be operated by a single pilot under IFR or at night when the following requirements are satisfied:

(1) No passengers shall be transported at night;

(2) The operator shall include in the Operations Manual a pilot's conversion and recurrent training program which includes the additional requirements for a single pilot operation;

(3) In particular, the cockpit procedures must include:
(xlvii) Engine management and emergency handling;
(xlviii) Use of normal, abnormal and emergency checklist;
(xlix) ATC communication;
(l) Departure and approach procedures;
(li) Autopilot management and
(lii) Simplified in-flight documentation;

(4) The recurrent checks required by JAR-OPS 1.965 shall be performed in the single-pilot role on the type or class of airplane in an environment representative of the operation;

(5) The pilot shall have a minimum of 50 hours flight time on the specific type of class of airplane under IFR of which 10 hours as pilot in command; and

(6) The minimum required recent experience for a pilot engaged in a single pilot operation under IFR or at night shall be 5 IFR flights, including 3 instrument approaches, carried out during the preceding 90 days on the type or class of airplane in the single pilot role; this requirement may be replaced by an instrument approach check on the type or class of airplane.

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AUA-OPS 1.1040 General rules for Operation Manuals

(a) An operator shall ensure that the Operations Manual contains all instructions and information necessary for operations personnel to perform their duties.

(b) An operator shall ensure that the contents of the Operations Manual, including all amendments or revisions, do not contravene the conditions contained in the Air Operator Certificate (AOC) or any applicable regulations and must be acceptable to, or, where applicable, approved by the Authority.

(c) An operator must prepare the Operations Manual in the English language. In addition, an operator may translate and use that manual, or parts thereof, into another language. However, taking account the area of operations, operators of airplanes with a maximum approved passenger seating configuration of 19 or less or with a maximum take-off mass of less than 10000 kg may be approved by the Authority to prepare and use the respective Operations Manual, or parts thereof, in another language.

(d) Should it become necessary for an operator to produce new Operations Manuals or major parts or volumes thereof, he must comply with sub-paragraph (c) above.

(e) In all other cases an operator must comply with sub-paragraph (c) above as soon as possible and in no case later than 1 January 1996.

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AUA-OPS 1.1070 Flight and Duty Time Limitations

Air Operators should submit their own Flight and Duty Time Limitations to the Department of Civil Aviation for approval.

The Flight and Duty Limitations program should not be less restrictive than ICAO Annex 6 part 1 Para. 4.2.10.3 and Attachment A and should include all the provisions therein.

The Operator's Flight and Duty Limitations program shall be included in its Flight Operation Manual.

AUA-OPS 1.1075 Rest Requirements

Air Operators should submit their own Flight Crew Rest Requirements to the Department of Civil Aviation for approval.

The Flight Crew Rest Requirements program should not be less restrictive than ICAO Annex 6 part 1 Para. 4.2.10.3 and Attachment A and should include all the provisions therein.

The Operator's Flight Crew Rest Requirements program shall be included in its Flight Operation Manual.

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AUA - OPS 3.001 Applicability

(See Appendix 1 to JAR - OPS 3.001)

(a) JAR – OPS Part 3 prescribes requirements applicable to the operation of any civil helicopter for the purpose of commercial air transportation by any operator whose principal place of business is in a JAA Member State or Aruba. JAR – OPS 3 does not apply to helicopters when used in military, customs and police services.

(b) The requirements in JAR – OPS Part 3 are applicable as of 1 January 1996 unless otherwise indicated.

AUA - OPS 3.165 Leasing

(a) Terminology

Terms used in this paragraph have the following meaning:

(1) Dry lease - Is when the helicopter is operated under the AOC of the lessee.

(2) Wet lease - Is when the helicopter is operated under the AOC of the lessor.

(3) JAA operator - An operator certificated under JAR - OPS Part 3 by one of the JAA Member States.

(b) Leasing of helicopters between Aruban and JAA operators

1) Wet lease-out. An Aruban or JAA operator providing a helicopter and complete crew to another Aruban or JAA operator, and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the helicopter.

(2) All leases except wet lease-out

(i) Except as provided by sub-paragraph (b)(1) above, an Aruban or JAA operator utilizing a helicopter from, or providing it to, another Aruban or JAA operator, must obtain prior approval for the operation from his respective Authority. Any conditions which are part of this approval must be included in the lease agreement.

(ii) Those elements of lease agreements which are approved by the Authority, other than lease agreements in which a helicopter and complete crew are involved and no transfer of functions and responsibilities is intended, are all to be regarded, with respect to the leased helicopter, as variations of the AOC under which the flights will be operated.

(c) <u>Leasing of helicopters between an Aruban or JAA operator and any entity other than an Aruban or JAA operator</u>

(1) <u>Dry lease-in</u>

(i) An Aruban or JAA operator shall not dry lease-in a helicopter from an entity other than an Aruban or JAA operator, unless approved by the Authority. Any conditions which are part of this approval must be included in the lease agreement.

(ii) An Aruban or JAA operator shall ensure that, with regard to helicopters that are dry leased-in, any differences from the requirements prescribed in Subparts K, L, or JAR - 26, are notified to and are acceptable to the Authority.

(2) <u>Wet lease-in</u>

(i) An Aruban or JAA operator shall not wet lease-in a helicopter for more than 3 consecutive months in any 12 consecutive months from an entity other than a Aruban or JAA operator without the approval of the Authority.

(ii) A JAA or Aruban operator shall ensure that, with regard to helicopters that are wet leased-in:

(A) The safety standards of the lessor with respect to maintenance and operation are equivalent to JARs;

(B) The lessor is an operator holding an AOC issued by a State which is a signatory to the Chicago Convention;

(C) The helicopter has a standard Certificate of Airworthiness issued in accordance with ICAO Annex 8. Standard Certificates of Airworthiness issued by a JAA Member State or a State with equivalent standard, acceptable to the authority, other than the State responsible for issuing the AOC, will be accepted when issued in accordance with JAR - 21 or equivalent; and

(D) Any Aruban requirement made applicable by the lessee's Authority is complied with.

(3) Dry lease-out

(i) An Aruban operator may dry lease-out a helicopter for the purpose of commercial air transportation to any operator of a State which is signatory to the Chicago Convention provided that the following conditions are met:

(A) The Authority has exempted the Aruban operator from the relevant provisions of JAR - OPS Part 3 and, after the foreign regulatory authority has accepted responsibility in writing for surveillance of the maintenance and operation of the helicopter(s), has removed the helicopter from its AOC; and

(B) The helicopter is maintained according to an approved maintenance program.

(4) Wet lease-out An Aruban operator providing a helicopter and complete crew to another entity and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the helicopter.

(d) Leasing of helicopters at short notice. In circumstances where an Aruban operator is faced with an immediate, urgent and unforeseen need for a replacement helicopter, the approval required by sub-paragraph (c)(2)(i) above may be deemed to have been given provided that:

(1) The lessor is an operator holding an AOC issued by a State which is a signatory to the Chicago Convention;

(2) The lease-in period does not exceed 14 consecutive days; and

(3) The Authority is immediately notified of the use of this provision.

AUA - OPS 3.180 Issue, variation and continued validity of an AOC

(a) An operator will not be granted an AOC, or a variation to an AOC, and that AOC will not remain valid unless:

(1) Helicopters operated have a standard Certificate of Airworthiness, issued in accordance with ICAO Annex 8 by a JAA Member State or a State with equivalent standard, acceptable to the Authority; Standard Certificates of Airworthiness issued by a JAA Member State other than the State responsible for issuing the AOC, will be accepted when issued in accordance with JAR-21 or equivalent;

(2) The maintenance system has been approved by the Authority in accordance with Subpart M; and

(3) He has satisfied the Authority that he has the ability to:

(i) Establish and maintain an adequate organization;

(ii) Establish and maintain a quality system in accordance with JAR- OPS 3.035;

(iii) Comply with required training programs;

(iv) Comply with maintenance requirements, consistent with the nature and extent of the operations specified, including the relevant items prescribed in JAR - OPS 3.175(g) to (o); and

(v) Comply with JAR-OPS 3.175.

(b) Notwithstanding the provisions of JAR-OPS 3.185(f), the operator must notify the Authority as soon as practicable of any changes to the information submitted in accordance with sub-paragraph (a) above.

(c) If the Authority is not satisfied that the requirements of sub-paragraph (a) above have been met, the Authority may require the conduct of one or more demonstration flights, operated as if they were commercial air transport flights.

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AUA-OPS 3.940 Composition of flight crew

(See Appendix 1 to AUA-OPS 3.940)

(a) An operator shall ensure that:

(1) The composition of the flight crew and the number of flight crew members at designated crew stations are both in compliance with, and no less than the minimum, specified in the Airplane Flight Manual;

(2) The flight crew includes additional flight crew members when required by type of operation, and is not reduced below the number, specified in the Operations Manual;

(3) All flight crew members hold an applicable and valid license acceptable to the Authority and are suitably qualified and competent to conduct the duties assigned to them;

(4) Procedures are established acceptable to the Authority, to prevent the crewing together of inexperienced flight crew members; and

(5) One pilot amongst the flight crew is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot.

(b) Pilots. An operator shall ensure that:

(1) Commanders and co-pilots on an IFR-flight hold a valid instrument rating;

(2) For IFR-operations using helicopters with a maximum approved passenger seating configuration of more than 9:

(i) The minimum flight crew is two qualified pilots, and

(ii) The commander holds a valid Airline Transport pilot's Licence (Helicopter) (ATPL(H));

(3) For operations using helicopters with a maximum approved passenger seating configuration of more than 19:

(i) The minimum flight crew is two qualified pilots;

(ii) The commander holds a valid Airline Transport Pilot's Licence (Helicopter (ATPL(H)).

(c) Helicopters not covered by sub-paragraph (b)(2) above may be operated by a single pilot, provided that the requirements of Apendix 1 to AUA-OPS 3.940 are satisfied.

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Appendix 1 to AUA-OPS 3.940

Single pilot operations under IFR or at night

(a) Helicopters referred to in AUA-OPS 3.940(c) may be operated by a single pilot under IFR or at night when the following requirements are satisfied:

(1) No passengers shall be transported at night;

(2) The operator shall include in the Operations Manual a pilot's conversion and recurrent training program which includes the additional requirements for a single pilot operation;

(3) <u>Training and Recency</u> Attention shall be given to the cockpit procedures especially in respect of:

(vi) Engine management and emergency handling;

(vii) Use of normal, abnormal and emergency checklist;

(viii) ATC communication;

(ix) Cockpit procedures in respect of departure and approach;

(x) Autopilot management; and

(xi) Simplified in-flight documentation;

(4) The recurrent checks required by JAR-OPS 3.965 shall be performed in the single-pilot role on the type or class of airplane in an environment representative of the operation;

(5) The pilot shall have experience of IFR—operations and on the type of helicopter concerned as follows:

(i) 25 hours total IFR fligth experience in the relevant operating environment;

(ii) 25 hours flight experience on the specific type of helicopter, approved for single pilot IFR, of which 10 hours is as pilot-in-command under supervision, including 5 sectors of IFR line flying under supervision using the single pilot procedures;

(iii) meet the Commanders minimum qualification requirements of JAR-OPS 3.960;

(6) The minimum required recent experience for a pilot engaged in a single pilot operation under IFR or at night shall be 5 IFR–flights, including 3 instrument approaches, carried out during the preceding 90 days on the helicopter type in the single pilot role. This requirement may be replaced by an IFR instrument approach check on the helicopter type.

Note: Additional equipment requirements for alleviating pilot workload are prescribed in JAR-OPS 3.655

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AUA-OPS 3.1070 Flight and Duty Time Limitations

Air Operators should submit their own Flight and Duty Time Limitations to the Department of Civil Aviation for approval.

The Flight and Duty Limitations program should not be less restrictive than ICAO Annex 6 part 1 Para. 4.2.10.3 and Attachment A and should include all the provisions therein.

The Operator's Flight and Duty Limitations program shall be included in its Flight Operation Manual.

AUA-OPS 3.1075 Rest Requirements

Air Operators should submit their own Flight Crew Rest Requirements to the Department of Civil Aviation for approval.

The Flight Crew Rest Requirements program should not be less restrictive than ICAO Annex 6 part 1 Para. 4.2.10.3 and Attachment A and should include all the provisions therein.

The Operator's Flight Crew Rest Requirements program shall be included in its Flight Operation Manual.